



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

October 24, 1995

Mr. Ron M. Pigott  
Assistant General Counsel  
Legal Services  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR95-1130

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 36302.

The Texas Department of Public Safety (the "department") received a request for "a copy of any in-vehicle video which may have been taken in connection with" a bank robbery. You have submitted the videotape for our review and claim that it is excepted from disclosure under sections 552.103, 552.108, and 552.119 of the Government Code.

Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecutions. In an open criminal case, section 552.108 exempts from disclosure all information except that normally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." Open Records Decision No. 553 (1990) at 4 (and cases cited therein).

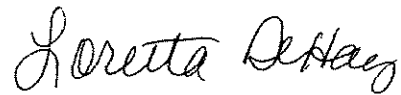
You state that the videotape is part of active investigations conducted by the department and other federal and state authorities. The department may therefore withhold the videotape under section 552.108.<sup>1</sup>

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<sup>1</sup>As we have concluded that the department may withhold the requested information under section 552.108, we need not address whether sections 552.103 and 552.119 except the information from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 36302

Enclosures: Submitted videotape

cc: Ms Virginia Broady  
KCEN Television  
Waco News and Sales Offices  
4716 W. Waco Drive  
Waco, Texas 76710-7016  
(w/o enclosures)